

## Message Text

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ACTION ITF-05

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FM AMCONSUL HONG KONG

TO SECSTATE WASHDC 5094

C O N F I D E N T I A L HONG KONG 5656

E.O. 11652: GDS

TAGS: SREF, VN

SUBJECT: U.S. POLICY ON SHIPBOARD REFUGEES: THE  
ENDLESS VOYAGE

1. WE BELIEVE THAT IT IS TIME TO GIVE CONSIDERATION TO A FURTHER MODIFICATION OF THE CURRENT US POLICY ON SHIPBOARD REFUGEES. THE CURRENT IATF POSITION IS THAT REFUGEES ARE A US RESPONSIBILITY IF ABOARD US OR US-CHARTERED VESSELS, AND A THIRD COUNTRY'S RESPONSIBILITY ABOARD THRID COUNTRY VESSELS (STATE 115919). IT IS TRUE THAT, ALTHOUGH NOT EXACTLY GROUNDED IN THE LAW OF THE SEA, THIS POLICY CAN BE EXPLAINED AND UNDERSTOOD, AND IT MAY HAVE ACTUALLY HELPED TO INTERNATIONALIZE THE REFUGEE RESPONSIBILITY - ITS PRESUMED PURPOSE - IN SOME CASES.

2. A CASE IN POINT IS THE M V JAPAN, A VESSEL OF SWEDISH REGISTRY WITH 27 VIETNAMESE REFUGEES ABOARD WHEN IT SAILED INTO HONG KONG HARBOR. FIVE REFUGEES WITH CANADIAN REFLATIVES WERE ACCEPTED BY CANADA. AFTER DAYS OF INDECISION, DURING WHICH THE SWEDISH CONSUL APPEALED TO THE CONGEN FOR THE US TO TAKE RESPONSIBILITY FOR THEM, THE OTHER 22 REFUGEES WERE FINALLY ACCEPTED BY SWEDEN. THEY FLEW TO STOCKHOLM WHERE THEY MAY BE FURTHER SUBDIVIDED BY THEIR PREFERENCES.

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TWELVE WANT TO SETTLE IN SWEDEN, SEVEN IN FRANCE, AND THREE

IN CANADA. THIS CASE MIGHT HAVE BEEN MORE ILLUSTRATIVE IF THE REFUGEES HAD BEEN PERSUADED TO ABANDON EFFORTS TO ENTER THE US IN FAVOR OF MOVEMENT TO OTHER COUNTRIES. HOWEVER, WE UNDERSTAND THE REFUGEES HAD NO US TIES.

3. WE ARE PERSUADED, MOREOVER, THAT THIS IS AN UNUSUAL CASE, AND THE POLICY DOES MUCH MORE HARM THAN GOOD. MOST OF THE SHIPS WITH REFUGEES ABOARD ARE BELIEVED TO HAVE A NUMBER WITH US TIES. IN FACT, THERE IS A SHIP OF PANAMANIAN REGISTRY IN HONG KONG HARBOR NOW WITH ANUMBER OF REFUGEES WHO WOULD APPEAR TO BE ELIGIBLE FOR ADMISSION TO THE US EVEN UNDER THE RESTRICTIVE CRITERIA CURRENTLY APPLIED TO REFUGEES IN THIRD COUNTRIES. THE FRENCH AND THE CANADIAN CONSULS HAVE GONE ABOARD TO FIND OUT WHICH REFUGEES DESIRE AND QUALIFY FOR ENTRY INTO THEIR COUNTRIES. UNDER OUR PRECEPTS, WE CANNOT DO SO. THE REFUGEES WITH US (AND NOT FRENCH OR CANADIAN) TIES WILL SAIL ON TOMORROW.

4. THERE SEEMS LITTLE DOUBT THAT RIGID APPLICATION OF THE POLICY "YOUR SHIP - YOUR REFUGEES" COULD RESULT IN AN ENDLESS VOYAGE FOR REFUGEES WITH US TIES WHO HAD THE MISFORTUNE TO BE PLUCKED OUT OF THE SOUTH CHINA SEA BY A NON-US FLAG VESSEL.

5. WE ARE NOT SUGGESTING THAT REFUGEES ARRIVING IN HONG KONG HARBOR ON THIRD-COUNTRY VESSELS SHOULD BE GIVEN PRIORITY SCREENING FOR ELIGIBILITY TO ENTER THE US. THEY WOULD BE JUMPING THE QUEUE ON THE REFUGEES ALREADY IN HONG KONG. SOME FEW MAY BE BROUGHT ASHORE BY THE HONG KONG GOVERNMENT BECAUSE OF UNSUITABLE CONDITIONS ABOARD SHIP AND THEY SHOULD BE PROCESSED AFTER THE OTHER HONG KONG REFUGEES. THOSE THAT STAY ABOARD SHIP, AND WHO HAVE EVIDENCE OF ELIGIBILITY, SHOULD BE INITIALLY PROCESSED ABOARD SHIP HERE WITH THE PROCESS TO BE COMPLETED AT SUBSEQUENT PORTS OF CALL OR UPON THEIR RETURN. THE VESSEL'S COUNTRY OF OWNERSHIP WOULD HAVE TO ASSUME RESPONSIBILITY FOR THOSE REFUGEES INELIGIBLE FOR ADMISSION TO OTHER COUNTRIES.

6. AT PRESENT, THE US IS DOING LESS THAN OTHER COUNTRIES FOR REFUGEES ABOARD THIRD COUNTRY VESSELS. WE ADVOCATE US ADHERENCE TO A POLICY OF INTERNATIONALIZATION OF RESPONSIBILITY  
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FOR SHIPBOARD REFUGEES WHICH WOULD PERMIT THEM TO GO TO THE COUNTRIES WITH WHICH THEY HAVE TIES AND WHICH COULD MOST EASILY ASSIMILATE THEM. TO CONTINUE THE PRESENT US POLICY WOULD BE INHUMANE AND INCONSISTENT.

7. CONSEQUENTLY, WE ASK FOR MODIFICATION OF THE CURRENT POLICY TO GIVE US THE FLEXIBILITY TO GO ABOARD THIRD COUNTRY VESSELS, DETERMINE THE ELIGIBILITY OF REFUGEES FOR ADMISSION, AND BEGIN

PROCESSING WHERE APPROPRIATE.

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